

Entered - 05/08/02 - sb
CL02L0321 - DIANNE C. MITCHELL

02-*R*-0923

CLAIM OF: **STATE FARM INSURANCE COMPANIES AS
SUBROGEE OF DELECIA SMITH**
11350 Johns Creek Parkway
Duluth, Georgia 30098-0001

For damages alleged to have been sustained as a result of a vehicular accident on September 20, 2001 at Juniper and 4th Streets.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **STATE FARM INSURANCE COMPANIES AS SUBROGEE OF DELECIA SMITH** the sum of **\$1,048.15** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on September 20, 2001 at Juniper and 4th Streets as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

CONSENT AGENDA

APPROVED: ROSALIND RUBENS NEWELL
INTERIM CITY ATTORNEY

BY:

Robert N. Godfrey
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

COMM: *Public Safety*

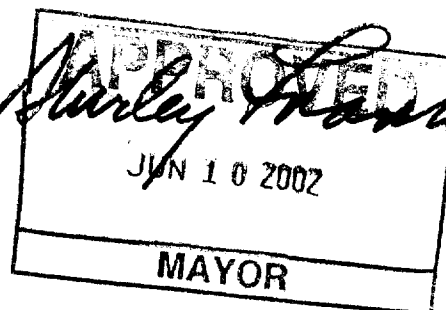
DATE: *5/28/02*

CHAIR: *Natalie Archibald*

C. T. Martin

Chela Kinsler

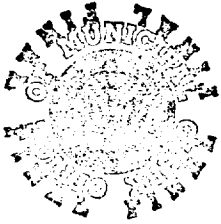
Carl Smith



ADOPTED BY
JUN 03 2002
COUNCIL

Rosalind Rubens Newell
MUNICIPAL CLERK
JUN 03 2002

ATLANTA CITY COUNCIL PRESIDENT
Robert M. McCall
JUN 03 2002



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

02-R-0923

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **State Farm Insurance Companies as subrogee of Delecia Smith** in the sum of **\$1,048.15** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of **a vehicle accident on September 20, 2001 at Juniper and 4th Streets** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,


Deputy Clerk

**ADOPTED by the Council
APPROVED by the Mayor**

**JUN 03, 2002
JUN 10, 2002**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0321

Date: May 14, 2002

Claimant /Victim STATE FARM INSURANCE COMPANY AS SUBROGEE OF DELECIA SMITH

BY: (Atty)(Ins. Co.) _____

Address: 11350 Johns Creek Parkway, Duluth, Georgia 30098-0001

Subrogation: _____ Claim for Property damage \$ 5,148.40 Bodily Injury \$ _____

Date of Notice: 10/19/01 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/20/01 Place: Juniper and 4th Streets

Department Police Division: _____

Employee involved D. A. West Disciplinary Action: Pending

NATURE OF CLAIM: The driver of the City vehicle failed to yield right-of-way upon entering the intersection and collided with the claimant's vehicle causing damages in the above amount. In a previously filed claim made individually by the claimant (see Claim Number 01L0685), a settlement was reached for the amount of \$951.85 and that amount has been paid directly to Ms. Smith. The claimant's insurance carrier has agreed to accept the amount of \$1,048.15 which represents the remainder of the City's limit of liability pursuant to City Code Section 2-4.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____

Traffic citations issued: City Driver X Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement X

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,048.15 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____

Claims Manager: [Signature] Concur/date 05-17-02

Committee Action: _____ Council Action _____

RCS# 3776
6/03/02
2:19 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14; Except 02-R-0974; 02-O-0952

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
B Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0952

		06/03/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-0726	34. 02-R-0892	57. 02-R-0924
2. 02-O-0723	35. 02-R-0895	58. 02-R-0925
3. 02-O-0694	36. 02-R-0896	59. 02-R-0926
4. 02-O-0854	37. 02-R-0897	60. 02-R-0927
5. 02-O-0709	38. 02-R-0898	61. 02-R-0928
6. 02-O-0710	39. 02-R-0903	62. 02-R-0929
7. 02-O-0711	40. 02-R-0950	63. 02-R-0930
8. 02-O-0712	41. 02-R-0968	64. 02-R-0931
9. 02-O-0713	42. 02-R-0975	65. 02-R-0932
10. 02-O-0714	43. 02-R-0910	66. 02-R-0933
11. 02-O-0715	44. 02-R-0911	67. 02-R-0934
12. 02-O-0716	45. 02-R-0912	68. 02-R-0935
13. 02-O-0717	46. 02-R-0913	69. 02-R-0936
14. 02-O-0953	47. 02-R-0914	70. 02-R-0937
15. 02-O-0719	48. 02-R-0915	71. 02-R-0938
16. 02-O-0720	49. 02-R-0916	72. 02-R-0939
17. 02-O-0722	50. 02-R-0917	73. 02-R-0940
18. 02-O-0959	51. 02-R-0918	74. 02-R-0941
19. 02-O-0962	52. 02-R-0919	75. 02-R-0942
20. 02-O-0966	53. 02-R-0920	76. 02-R-0943
21. 02-O-0967	54. 02-R-0921	77. 02-R-0944
22. 02-O-0730	55. 02-R-0922	78. 02-R-0945
23. 02-O-0958	56. 02-R-0923	79. 02-R-0946
24. 02-O-0961		80. 02-R-0947
25. 02-R-0894		
26. 02-R-0948		
27. 02-R-0949		
28. 02-R-0905		
29. 02-R-0906		
30. 02-R-0904		
31. 02-R-0954		
32. 02-R-0974		
33. 02-R-0801		